

# EXHIBIT 1

Sheila J. Porter

05/18/2005

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

NO. 04-11935-DPW

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Sheila J. Porter,

Plaintiff,

v.

Andrea Cabral, Suffolk County

Sheriff's Department Suffolk County,

and Correctional Medical Services, Inc.,

Defendants.

----- x

DEPOSITION OF SHEILA J. PORTER

Wednesday, May 18, 2005

10:10 a.m.

ADLER, COHEN, HARVEY, WAKEMAN & GUEKGUEZIAN

230 Congress Street

Boston, Massachusetts 02110

Reporter: Lori-Ann London, RPR

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1 Q -- correct?

2 Mrs. Porter, when were you first  
3 contacted by the Federal Bureau of Investigation  
4 while you worked at the Suffolk County House of  
5 Correct in the employ of Correctional Medical  
6 Services?

7 A When I was first contacted, I wasn't in  
8 the employ of Correctional Medical Services.

9 Q Were you in the employ of Correctional  
10 Healthcare Services?

11 A Yes, I was.

12 Q When was that?

13 A I believe it was late 1999 or early  
14 2000.

15 Q Who contacted you?

16 A Maureen Robinson.

17 Q How did she contact you?

18 A She left a message on my home answering  
19 machine.

20 Q How did she have your number?

21 A I didn't ask.

22 Q Did you call her back?

23 A Yes, I did.

24 Q From home or from some other location?

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1           A     I called back immediately, but it was in  
2     the evening and I didn't get an answer, I got an  
3     answering machine. The next day I -- I think I  
4     called from home, but to be honest with you, I  
5     don't remember where I called from.

6           Q     Did you know of Agent Robinson before  
7     she left a message on your home voice mail?

8           A     No. It --

9           Q     What was your reaction when --

10                   MR. SAVAGE: One at a time.

11                   MS. CAULO: I'm sorry.

12                   MR. SAVAGE: Were you done?

13           Q     Please finish.

14           A     I don't know where I am here. What  
15     question are you asking?

16                   MR. SAVAGE: I think she asked did  
17     you know Agent Robinson --

18                   THE WITNESS: No.

19                   MR. SAVAGE: -- before she called  
20     you. Your answer was no.

21                   MS. CAULO: Thank you, Joe.

22           Q     What was your reaction when you received  
23     that voice mail message?

24           A     I'll leave the vernacular out. I was

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1 surprised, and that was okay.

2 Q When do you recall actually making  
3 contact with F.B.I. Agent Robinson?

4 A The next day.

5 Q And this was sometime in late 1999,  
6 early 2000?

7 A Yes.

8 Q Can you be any more specific as to the  
9 time frame?

10 A No.

11 Q Okay. What did you discuss when you had  
12 a conversation with her?

13 A I believe the first conversation Maureen  
14 explained that they were looking for some  
15 information, and that they understood that I might  
16 have some information that they needed, and I  
17 believe my reaction to that was, "In what areas?"

18 Q What did she say?

19 A She indicated three areas of concern:  
20 sexual abuse of the females, physical abuse of  
21 inmates, and drug use or abuse within the  
22 facility.

23 Q How did Maureen Robinson understand that  
24 you may have some information that they were

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1 looking for?

2 A I'm sure she read the newspaper.

3 Q Well, I'm asking you. Did she explain  
4 that?

5 A She said that I was referred to them,  
6 and she did not give me the information by whom.

7 Q So she said you were referred --

8 A Yes.

9 Q -- your name --

10 A Yes.

11 Q -- was referred to them?

12 A Yes.

13 Q Them meaning the F.B.I.?

14 A Yes.

15 Q You just mentioned media reports. What  
16 media reports are you referring to?

17 A There had been a few articles in the  
18 paper during that time concerning an inmate that  
19 had become pregnant, another report about officers  
20 that were suspended for a suggestion of sexual  
21 abuse in the female unit, and I believe there was  
22 an article about that time, but I'm not sure of  
23 the time frame, about an ongoing dispute between a  
24 female officer and a male officer concerning

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1 issues of sexual abuse in the female unit.

2 Q The female inmate that you just  
3 referenced who was pregnant, that's Ellen Wilson?

4 A Yes.

5 Q The officers that were suspended were  
6 suspended rather for sexual abuse of inmates in  
7 the female unit, were those officers involved with  
8 the allegations made by Ellen Wilson and others?

9 A Yes.

10 Q Those officers were suspended pursuant  
11 to disciplinary action taken by the Suffolk County  
12 Sheriff's Department, correct?

13 A Yes.

14 Q The matters in which -- strike that.

15 The matters that you just identified  
16 that were reported on in the media, those matters  
17 were being investigated by the Suffolk County  
18 Sheriff's Department, correct?

19 A Yes.

20 Q And as a result of an investigation  
21 conducted by the Suffolk County Sheriff's  
22 Department, officers involved in those allegations  
23 were disciplined, correct?

24 A Yes.

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1 Q Some were terminated, correct?

2 A Yes.

3 Q David DiCensco was terminated?

4 A I don't know David.

5 Q Robert Parise was terminated?

6 A Yes.

7 Q David Mojica was terminated?

8 A Yes.

9 Q Mark Vaughn was terminated?

10 A Different set of circumstances, yes.

11 Q Richard Powers was terminated?

12 A No.

13 Q Was he terminated?

14 A No.

15 Q was he disciplined?

16 A Yes.

17 Q Was he suspended?

18 A Yes.

19 Q Okay. You indicated there were some  
20 media reports that was the subject of your  
21 conversation with F.B.I. Agent Maureen Robinson  
22 concerning an ongoing dispute between a female  
23 officer and a male officer regarding issues of  
24 sexual abuse in the female unit?



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1           A     I didn't say that was the conversation  
2 we had. You asked me what had appeared in the  
3 media.

4           Q     Okay, I apologize.

5                     Was that something that you talked  
6 about with Maureen Robinson?

7           A     I think perhaps as part of that same  
8 issue, but not specifically.

9           Q     Okay. I'm sorry, I understood your  
10 response to me earlier, in which I asked you what  
11 you talked about, that you talked about matters  
12 that were covered in the media.

13                    MR. SAVAGE: I don't think that's  
14 what she said.

15                    MS. CAULO: Okay.

16           Q     What did you talk about with Maureen  
17 Robinson in that first phone call after she  
18 indicated to you that you were someone who they  
19 thought they could get information from?

20           A     Sexual abuse of the females, physical  
21 abuse of males or inmates, and possible drug or --  
22 use and abuse within the facility.

23           Q     Within the House of Correction?

24           A     Yes.

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1 Q Okay. To your knowledge, was the  
2 possible use of drugs and drug abuse within the  
3 House of Correction, was that already being  
4 investigated by the Suffolk County Sheriff's  
5 Department?

6 A I have no knowledge of that.

7 Q Did you provide information to the  
8 Sheriff's Investigation Division about drug use  
9 within the House of Correction?

10 A Not specifically, no.

11 Q What do you mean not specifically?

12 A Well, there were incidences of overdoses  
13 within the facility, and I may have cared for the  
14 inmates, and, yes, there were reports written  
15 about that.

16 Q Had you provided information to the  
17 Sheriff's Investigation Division regarding the  
18 allegations made by Ellen Wilson and the  
19 allegations of sexual abuse of females?

20 A Yes.

21 Q Okay. And you had provided that  
22 information prior to your conversation with  
23 Maureen Robinson?

24 A Both.

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1 Q Both before and after?

2 A Yes.

3 Q Okay. What did Maureen Robinson ask you  
4 to do during this initial phone conversation?

5 A To speak with her in person.

6 Q Did you do that?

7 A Yes.

8 Q When was that?

9 A Within a few days. I'm not sure.

10 Again, I -- I couldn't tell you the date.

11 Q Where did this conversation take place?

12 A In a parking lot.

13 Q Where?

14 A South Bay, the shopping area.

15 Q Where the Stop & Shop is and the Home  
16 Depot?

17 A I think so.

18 Q Is that the parking lot you're talking  
19 about?

20 A Yes.

21 Q Shopping center?

22 A Yes.

23 Q What was that conversation you had with  
24 F.B.I. Agent Robinson at that time?

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1 MR. SAVAGE: well, again -- or not  
2 again. You're not to answer any question  
3 concerning Agent Robinson that involves you  
4 revealing --

5 THE STENOGRAPHER: I'm sorry, I  
6 can't hear you.

7 MR. SAVAGE: You're not to answer  
8 any question concerning your conversations with  
9 Agent Robinson or the F.B.I. that involves you  
10 revealing specific cooperation as to particular  
11 individuals.

12 MS. CAULO: Why are you instructing  
13 her not to answer? What's the basis for that?

14 MR. SAVAGE: Privilege under the law  
15 for an informant relating to the privacy and the  
16 safety of both those informed against and those  
17 informing. In addition, I mean, it's not even  
18 potentially likely to lead to any relevant  
19 evidence, but that's the instruction, privilege.

20 MS. CAULO: We have a protective  
21 order in this case. I suggest that's not an  
22 appropriate instruction to give.

23 MR. SAVAGE: I hear you.

24 MS. CAULO: We'll have to suspend

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1 and go seek Judge Woodlock.

2 MR. SAVAGE: Okay, that's fine, or  
3 you could go to another topic, since we're not  
4 going to finish today, and we could do it in an  
5 orderly fashion, whatever you want to do.

6 MS. HARVEY: Just so it's clear, so  
7 that if we have to go to Judge Woodlock, are you  
8 instructing her not to answer as to any specific  
9 case or only those that remain open?

10 MR. SAVAGE: Any specific case of  
11 cooperation on an individual. Obviously it  
12 doesn't change the safety and privacy calculation  
13 if the investigation is over.

14 MS. HARVEY: Well, I think that the  
15 protective orders will cover -- I mean, I think  
16 we've all agreed to adhere to that protective  
17 order. I think -- I think we could proceed and  
18 have Judge Woodlock decide later.

19 MS. CAULO: That's fine.

20 MR. SAVAGE: Whatever way you want  
21 to do it.

22 MS. CAULO: Well, no. We certainly  
23 need to go there. I mean, you have presented your  
24 client in an extensive complaint, and that's part

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1 of the basis in suggesting that we were on notice  
2 of this. So I think it's certainly something that  
3 we're entitled to.

4 MR. SAVAGE: On notice of what?

5 MS. CAULO: You have suggested in  
6 allegations in your complaint that the Department  
7 and CMS were on notice of her involvement in  
8 providing information to the F.B.I.

9 MR. SAVAGE: Oh, sure. You can ask  
10 about that; go right ahead.

11 MS. CAULO: And we're entitled to  
12 explore that, and in order to explore that --

13 MR. SAVAGE: I think you should.

14 MS. CAULO: -- and in order to  
15 explore that fully, Joe, if I may, it's important  
16 for us to seek from your client the kind of  
17 information that she provided so that we can then  
18 confer with other sources and to see whether or  
19 not she in fact did so.

20 MR. SAVAGE: You can make your  
21 inquiry about the kind of information.

22 MS. CAULO: That's what I'm doing.

23 Q what information -- what did you  
24 discuss; what information did she ask you to

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1 provide -- let me -- in this first meeting in the  
2 parking lot at South Bay, what did she ask you to  
3 provide?

4 A Information concerning specific  
5 allegations of physical abuse that they had.

6 Q And what were those allegations?

7 A They were allegations of physical abuse  
8 at the hands of corrections officers, and I cannot  
9 give you the names.

10 Q Are you not giving me the names per the  
11 instruction of your counsel?

12 A Yes.

13 Q Where were those corrections officers  
14 employed, at what facility?

15 A South Bay.

16 Q House of Correction?

17 A Yes, House of Correction. I'm sorry.

18 Q Did she provide you with the names of  
19 those officers?

20 A No.

21 Q Did she provide you with the names of  
22 inmates who had made allegations concerning these  
23 officers?

24 A Yes.

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1 Q Were you familiar with those inmates?

2 A Some.

3 Q Who are they?

4 MR. SAVAGE: No.

5 Q What did she ask you to do?

6 A At the first meeting it was, Do you know  
7 these people.

8 Q And when you say "these people," the  
9 only names she provided you were the names of the  
10 inmates?

11 A At that first meeting, I'm not even sure  
12 I got names or if that was just a general meeting.  
13 I think I got names of inmates. I don't think I  
14 got the names of officers.

15 Q What else did she communicate to you  
16 during that initial meeting?

17 A She asked if I would be interested in  
18 providing ongoing information to them.

19 Q And what did you say?

20 A That I would think about it and get back  
21 to her.

22 Q What did she say to that?

23 A Fine, she would call me back.

24 Q Was that the extent of the conversation



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1 that you had with Maureen Robinson on this initial  
2 face-to-face meeting?

3 A I believe so.

4 Q She provided you with information that  
5 she was conducting an investigation into  
6 allegations of physical abuse by officers at the  
7 House of Correction on inmates; is that fair?

8 A To the best of my recollection, that was  
9 the first.

10 Q And she provided you with the names of  
11 inmates?

12 A I believe so.

13 Q And she asked you if you'd be willing to  
14 cooperate and provide information?

15 A Yes.

16 Q And you asked her -- you indicated that  
17 you needed some time to think about it?

18 A Correct.

19 Q Is that the extent of the conversation?

20 A I believe so.

21 Q When was the next time that you had  
22 contact with Maureen Robinson or any other agent  
23 of the Federal Bureau of Investigation?

24 A Probably within a few days of that first

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1 meeting.

2 Q what did you do?

3 A I agreed to provide ongoing information.

4 Q Well, how did you communicate with  
5 Miss Robinson?

6 A Either I called her or she called me,  
7 and I can't tell you which it was.

8 Q Okay. Did you meet face-to-face or was  
9 this encounter over the phone?

10 A Yes.

11 MR. SAVAGE: Yes, which?

12 A Yes, it was over the phone; this  
13 conversation was over the phone.

14 Q What did you say and what did she say?

15 A I said I had thought about it and I  
16 agreed to provide information, and she said that  
17 was great. And I couldn't tell you what else -- I  
18 believe she set up another face-to-face at that  
19 time.

20 Q During that conversation in which you  
21 indicated that you were willing to provide  
22 information to the F.B.I. and, specifically,  
23 Maureen Robinson, did you discuss the arrangements  
24 for how that was to be done at that phone call

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1 that you just testified about?

2 A I remember setting up another meeting.  
3 I'm not sure if we discussed arrangements beyond  
4 that.

5 Q When was the next meeting?

6 A Again, within a few days.

7 Q Where did it take place?

8 A I think that that was in the same  
9 parking lot.

10 Q And what was discussed during this  
11 next -- and actually the second face-to-face  
12 meeting with Maureen Robinson?

13 A Yes.

14 Q What was discussed during this second  
15 face-to-face meeting with Maureen Robinson?

16 A To be honest with you, these are -- the  
17 meetings and the telephone calls are blurred, and  
18 I am not sure what happened when. I can tell you  
19 some of the things that happened, but I cannot say  
20 whether it was that meeting or another meeting.

21 Q Well, at some point did you discuss with  
22 Maureen Robinson the manner in which you would  
23 provide information and how that would be  
24 effectuated?

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1 A Yes.

2 Q Did you do that in a face-to-face  
3 meeting?

4 A Yes.

5 Q What was discussed; what were the  
6 arrangements?

7 A That I could contact them anytime by  
8 phone, and I could speak with them by phone or  
9 meet them in person.

10 Q You said "them." Who besides Maureen  
11 Robinson were you allowed to contact?

12 A At first I believe it was just Maureen,  
13 and then there was a second agent.

14 Q Who was that?

15 A Krista Snyder.

16 Q Let's start with Maureen first. What  
17 contact information did she provide to you; how  
18 were you supposed to get ahold of her?

19 A She gave me her business card, and then  
20 also gave me -- the business card had the office  
21 number on it, and she gave me her extension, which  
22 I also wrote on the card.

23 Q What specific information did she ask  
24 you to provide?

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1           A     Any information that I had concerning  
2 cases that might come up from time to time,  
3 allegations of abuse, sexual or physical,  
4 allegations of drug selling or drug dealing.

5           Q     Did she give you any instructions as to  
6 how to perform this service for the F.B.I.?

7           A     She read a -- a paper that gave me the  
8 dos and don'ts, but I don't -- I guess it was  
9 instructions. I'm trying to remember what it was  
10 called. Each -- each year I had this piece of  
11 paper read to me.

12          Q     Each year...

13          A     That I continued --

14          Q     To provide --

15          A     -- doing --

16          Q     I'm sorry.

17          A     That I continued providing information.

18          Q     What was this piece of paper?

19          A     It talked about whether or not I was  
20 freely -- that I wasn't being coerced to do this;  
21 that I wasn't being paid to do this; I wasn't -- I  
22 didn't disclose it to anyone; I didn't speak to  
23 the news media and say, By the way...

24          Q     By the way what?

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1           A     I just spoke with the F.B.I. There were  
2 about 10 or 12 items, and I couldn't tell you what  
3 else was on that specific paper.

4           Q     Did they provide you --

5           A     Admonitions. I'm sorry. That name just  
6 came to me, admonitions.

7           Q     Were you provided with a copy of that?

8           A     No.

9           Q     Were you asked to sign anything?

10          A     No.

11          Q     Did you have an informant agreement with  
12 them?

13          A     Verbal.

14          Q     What was that verbal agreement?

15          A     That I would provide information to  
16 them, and they would protect my identity.

17          Q     Did you have scheduled reporting times?

18          A     No.

19          Q     So when did they expect you to report  
20 the information?

21          A     When I had something to report.

22          Q     And did they give you categories of  
23 information that they were looking for?

24          A     Yes.

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1 Q And those were...

2 A Sexual abuse, physical abuse, drug  
3 dealing.

4 Q Were you instructed by the F.B.I. not to  
5 provide that same information to the Sheriff's  
6 Department?

7 A Never.

8 Q So Ms. Robinson didn't tell you, "Report  
9 to us, but don't report to the Sheriff's  
10 Investigation Division"?

11 A Correct.

12 Q Did she ever tell you that you should  
13 report this information to the Sheriff's  
14 Investigation Division?

15 A Yes.

16 Q She did tell you that?

17 A Yes.

18 Q What did she say?

19 A That was along with the admonitions that  
20 tell you not to disclose to this person, and it  
21 was, of course, you can report to SID or, you  
22 know, things that you need to report, you can  
23 report.

24 Q Is that how it was communicated to you:

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1 Of course you can report things to SID, of course  
2 you can report things you need to report --

3 A I don't --

4 Q -- what was --

5 A My understanding is all I can tell you.  
6 My understanding is that I could report things to  
7 SID that I needed to report, not all the

8 information that I gathered would be something I  
9 would report to SID.

10 Q Certainly there were things that you  
11 were required to report to the institution, the  
12 site, where you were working?

13 A Yes.

14 Q And those were requirements by your  
15 employment with Correctional Medical Services,  
16 correct?

17 A Yes.

18 Q And those were also required of you by  
19 virtue of you working inside a correctional  
20 facility, correct?

21 A Yes.

22 Q You were required to report to the  
23 Department unusual events, correct?

24 A Correct.



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1 Q You were required to report to the  
2 Department instances in which you felt that an  
3 inmate had been physically abused, correct?

4 A Correct.

5 Q You were required to report to the  
6 Department instances in which you felt that an  
7 inmate had been sexually abused, correct?

8 A Correct.

9 Q And you knew that for the ten years or  
10 so that you worked at the Suffolk County House of  
11 Correction, correct?

12 A I knew that.

13 Q In fact, you received training, you  
14 indicated earlier, on report writing, correct?

15 A Yes.

16 Q That report writing training was  
17 conducted by the Suffolk County Sheriff's  
18 Department, right?

19 A Yes.

20 Q And you were instructed on what  
21 information to contain within a report?

22 A Yes.

23 Q You were instructed on when you needed  
24 to report?

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1 A Yes.

2 Q What was that instruction on when you  
3 needed to report?

4 A When I had -- when I personally had  
5 reason to believe, either through seeing or a  
6 report, that there was abuse of some variety going  
7 on or that there was an issue.

8 Q So if you were a percipient witness and  
9 had firsthand information about abuse, you were  
10 required to report?

11 A Yes.

12 Q And if an inmate informed you they had  
13 been abused, you would be required to report?

14 A Yes.

15 Q And if you were informed by someone else  
16 that an inmate had made allegations, you would be  
17 required to report, correct?

18 A No.

19 Q So if it came to you from someone else,  
20 you're not required to report?

21 A No, because I have no idea what --  
22 whether that's the inmate's allegation or not.

23 Q So the F.B.I. didn't instruct you not to  
24 comply with the requirements of your obligations

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1 as a nurse practitioner at the Suffolk County  
2 House of Correction or your obligations as a nurse  
3 practitioner employed by Correctional Medical  
4 Services, correct?

5 A Correct.

6 Q Did you notify Correctional Medical  
7 Services that the F.B.I. wanted you to provide  
8 information to them?

9 A Yes.

10 Q Whom did you report that to?

11 A I believe that the day I went in that we  
12 had an interim health service administrator, I  
13 think that it was Eileen Mageary, who at the time  
14 was working for -- I'm sorry, did you say CMS  
15 or did you say --

16 Q I said CMS, but I should have said CHS.

17 A CHS --

18 Q Pardon me.

19 A -- yes.

20 I went in and spoke with the acting  
21 health service administrator, and I believe it was  
22 Eileen Mageary, but I'm not positive of the time  
23 frame there. And I do remember that the regional  
24 manager happened to be there at the facility that

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1 day, and she said, "I think you should talk to  
2 Nancy," and I spoke with Nancy Lawrence, said I  
3 had received a phone call from -- I had received a  
4 phone call from the F.B.I. on my answering  
5 machine, they wanted me to call back, and what  
6 should I do. My instinct was that I had to do  
7 that. And both verified that, yes, that is what  
8 you should do.

9 Q So when you said she suggested I speak  
10 to the regional manager, she was Eileen Mageary?

11 A Yes.

12 Q And the regional manager was Nancy  
13 Lawrence?

14 A Yes.

15 Q When in this time line of events that  
16 you have just testified to did that communication  
17 with CMS occur?

18 A First day, before I -- before I made the  
19 call back.

20 Q Before you made the decision?

21 A Yes.

22 Q Before you even spoke with Maureen  
23 Robinson --

24 A Yes.

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1 Q -- you had this interaction that you  
2 described with Eileen Mageary?

3 A Yes.

4 Q After you agreed to provide information  
5 on an ongoing basis to Maureen Robinson and the  
6 F.B.I., did you have any further discussion about  
7 that with CMS?

8 MS. HARVEY: CHS?

9 Q CHS. Sorry. CHS.

10 A Only in specific instances when I needed  
11 to tell someone and get their assistance.

12 Q And when was that?

13 A Well, right off the top of my head, the  
14 one that comes to mind is in the Rene Rosario  
15 incident, but there could have been other times.

16 Q Well, in late 1999 or 2000, you get a  
17 phone call from Maureen Robinson, correct?

18 A Correct.

19 Q And it was just a phone call; it didn't  
20 tell you what she wanted, correct?

21 A Yes, it did.

22 Q What did it say again? I'm sorry.

23 A That they wanted to speak to me; that  
24 they had my name and they wanted to speak to me

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1 about a number of matters at the House of  
2 Correction.

3 Q And it was after that phone call that  
4 you had the contact with Eileen Mageary and Nancy  
5 Lawrence that you've just described?

6 A Yes.

7 Q Up until on or about May 19th of 2003  
8 with inmate Rene Rosario, when in between those  
9 events did you have contact with anybody from CHS  
10 relative to your providing information to the  
11 F.B.I.?

12 A That wasn't the first contact with Rene  
13 Rosario, and both the health service administrator  
14 and the medical director were involved in an  
15 earlier -- what do you call it -- I had dealt with  
16 Rene earlier, and I required the cooperation of  
17 both the health service administrator and the  
18 medical director in that instance.

19 Q Would that have been in or about  
20 November of 2002?

21 A Yes.

22 Q Between late '99, early 2000 and  
23 November of 2002, when did you discuss your  
24 ongoing cooperation with the F.I.B with anyone at

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1 CHS?

2 A I couldn't give you dates and times.  
3 Again, I needed cooperation occasionally, and I  
4 would have said, by way of that, you know, "I need  
5 to contact someone on the outside," and -- but I  
6 couldn't tell you in which cases, not because he  
7 instructed me not to but because I can't -- I  
8 can't tell you.

9 Q Who at CHS knew that you were providing  
10 information to the F.B.I. in 1999 or 2000?

11 A Dr. Singletary.

12 MR. SAVAGE: I'm sorry, can I hear  
13 -- was the question who knew in 1999 and 2000?

14 MS. CAULO: Correct.

15 MR. SAVAGE: Okay. I'm sorry. Go  
16 ahead.

17 Q Mrs. Porter, you're not sure when you  
18 had your first contact with the F.B.I., correct?

19 A Right.

20 Q It could have been 2000; it could have  
21 been late 1999?

22 A Right.

23 Q So during that time period, late '99  
24 through the calendar year of 2000, who knew at CHS

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1 that you were providing information to the F.B.I.?

2 A Dr. Singletary -- specific instances,  
3 perhaps not ongoing, specific instances -- so I  
4 think Donna Jurdak was back by that time.

5 Q What did Dr. Singletary know?

6 MR. SAVAGE: I'm sorry, did you  
7 complete your answer as to everybody that knew  
8 through the end of 2000?

9 A CHS. Yes, I believe so.

10 Q What did Dr. Singletary know?

11 A That I was providing information in a  
12 specific instance.

13 Q And what was that?

14 A I -- I couldn't tell you which one it  
15 is. I don't know which one was when.

16 Q Well --

17 A There were many. Many.

18 Q 1999 to 2000 --

19 A Many.

20 Q -- during that time period -- let's step  
21 back a second.

22 Did you notify anybody at the  
23 Suffolk County Sheriff's Department in the latter  
24 part of 1999 through the calendar year of 2000



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1 that the F.B.I. wanted you to provide them with  
2 information?

3 A Officially, no.

4 Q What does that mean, officially, no?

5 A I did tell someone unofficially that the  
6 F.B.I. had contacted me.

7 Q Whom did you tell unofficially that the  
8 F.B.I. --

9 A Steve Jacobs.

10 Q -- had contacted you?

11 MR. SAVAGE: Let her finish her  
12 question.

13 A Sorry.

14 Q Whom did you tell unofficially that the  
15 F.B.I. had contacted you?

16 A Steve Jacobs.

17 Q When did you tell Steve Jacobs that  
18 unofficially?

19 A He was interviewing me about a report I  
20 had made.

21 Q And what report was that?

22 A I don't remember.

23 Q Well, what were the circumstances  
24 surrounding your communicating to Steve Jacobs of

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1 the Sheriff's Investigation Division that you were  
2 providing information to the F.B.I.?

3 A I don't remember which specific thing.  
4 I reported a lot of things to the Sheriff's over  
5 nine years. Steve and I spoke frequently. I  
6 accompanied him to court frequently. On one of  
7 those occasions, I commented to him unofficially  
8 that they had called, and that they were looking  
9 for information. I can't be more specific than  
10 that because I don't remember if it was more  
11 specific than that. It was an informal comment  
12 that I made during one of these encounters with  
13 Steve.

14 Q Did he ask you more questions about it?

15 A No.

16 Q Did you tell him that you were providing  
17 information on an ongoing basis to the F.B.I.?

18 A No.

19 Q Did you tell him that it was on a  
20 particular matter that you were providing  
21 information?

22 A No.

23 Q You told him that the F.B.I. had  
24 contacted you?

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1 A Yes.

2 Q What did you tell him about what that  
3 contact was about?

4 A Just that they were looking for  
5 information.

6 Q So you didn't communicate to him that  
7 this was one of a number of contacts that you were  
8 getting on a regular basis from the F.B.I.?

9 A I think it was at the beginning. I  
10 don't think it was after a number; I think it was  
11 early on.

12 Q Did you indicate to him -- did you tell  
13 Steve Jacobs that you had agreed to provide  
14 information to the F.B.I. on an ongoing basis?

15 A No.

16 Q Who was the next person that you told  
17 from the Suffolk County Sheriff's Department that  
18 you were providing information to the F.B.I.,  
19 whether informally or formally?

20 A Paul DeFazio.

21 Q When was that?

22 A 2002.

23 Q And what were the circumstances  
24 surrounding that communication with Paul DeFazio?

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1           A     He was involved with the initial Rene  
2     Rosario contact, and he was the liaison that I had  
3     between the Sheriff's Department and the F.B.I.

4           Q     Let's step back for a second.

5                     When did you first meet Paul  
6     DeFazio?

7           A     When he was hired, I did his  
8     preemployment physical.

9           Q     Okay. And was that sometime in the  
10    summer of 2001?

11          A     I believe so.

12          Q     And he was hired as what; what was his  
13    job at the department?

14          A     It had something to do with SID, but I'm  
15    not sure what his job title was.

16          Q     Okay. From 2001 through 2002, did you  
17    communicate frequently -- or did you communicate  
18    with Paul DeFazio?

19          A     Yes.

20          Q     And what were the nature of those  
21    contacts?

22          A     I don't remember. He frequently came up  
23    to the unit; I couldn't say specifically why; but,  
24    yes, I ran into him in the facility. I don't

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1 remember if it was a specific investigation or  
2 anything that he was doing.

3 Q well, did you have contact with him in  
4 his official capacity as an employee of the  
5 department working for the Sheriff's Investigation  
6 Division?

7 A I don't know.

8 Q Were there occasions that you provided  
9 him with information that you were required to do  
10 when you suspected physical abuse or sexual abuse  
11 of inmates?

12 A He wouldn't have been the one that got  
13 the information.

14 Q Who would have been the one who got the  
15 information?

16 A Usually one of the investigators, Steve  
17 Jacobs or -- I believe there was another Steve,  
18 and there was a -- there were four people that  
19 worked down there. There was a woman and -- three  
20 males and a female that were the people that we  
21 usually reported to.

22 Q When you say "we" usually reported to  
23 you, are you referring to you and other members of  
24 the medical staff?

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1 A Yes.

2 Q And were these verbal reports or written  
3 reports?

4 A Both.

5 Q You yourself provided verbal and written  
6 reports to the Sheriff's Investigation Division?

7 A Yes.

8 MR. SAVAGE: Do you want to pick a  
9 logical point, Ellen, in the next ten minutes or  
10 so to --

11 MS. CAULO: Whenever. Why don't we  
12 leave it right here. We can pick up.

13 (Lunch recess taken at 12:50 p.m.)

14 (Back on the record at 1:40 p.m.)

15 Q Mrs. Porter, I believe that when we left  
16 off I was inquiring about your communication with  
17 Paul DeFazio?

18 A Yes.

19 Q And Mr. DeFazio is an employee of the  
20 Suffolk County Sheriff's Department, correct?

21 A I believe so.

22 Q At the time that you first became aware  
23 of him, was that in his capacity as an employee of  
24 the Suffolk County Sheriff's Department?

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1 A Yes.

2 Q And the context of this -- of my  
3 questions to you was whom within the department  
4 did you notify in 2001 to -- well, strike that.

5 I believe you testified that  
6 sometime in the latter part of 1999 through 2000  
7 you may have notified Steve Jacobs that on a  
8 particular occasion the F.B.I. had contacted you?

9 A Yes.

10 Q Is that a fair characterization of your  
11 testimony?

12 A Yes.

13 Q You did not, however, inform Mr. Jacobs  
14 that you were in an ongoing relationship with the  
15 F.B.I. providing them information on an ongoing  
16 basis?

17 A I don't believe I did.

18 Q Other than Mr. Jacobs, whom within the  
19 Suffolk County Sheriff's Department did you notify  
20 that you were providing information to the F.B.I.  
21 on an ongoing basis?

22 A The next person -- well, the person that  
23 knew it was Paul DeFazio, and that was in 2002.

24 Q Okay. And how did Mr. DeFazio know that

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1 you were providing information to the F.B.I. on an  
2 ongoing basis?

3 A Mr. DeFazio came to me as a liaison  
4 concerning Rene Rosario.

5 Q Who was a liaison, you or Mr. DeFazio?

6 A Mr. DeFazio.

7 Q And what do you mean by liaison?

8 A He was my contact person in case of  
9 emergency during some meetings I had with Rene  
10 Rosario.

11 Q What do you mean by contact person in  
12 case of emergency?

13 A Excuse me?

14 (Witness and counsel conferring off  
15 the record.)

16 MS. CAULO: Let the record reflect  
17 that Mrs. Porter is communicating with her  
18 attorney.

19 A During that time, I had been asked to  
20 place a wire on Inmate Rosario, and I had an  
21 emergency contact at the facility, and at least  
22 one other, perhaps two other, SID people knew of  
23 my existence and what I was doing, but Paul was  
24 the name I had in case there was an emergency, in



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1 case there was a problem.

2 Q Who asked you to con -- who asked you to  
3 place a wire on Inmate Rene Rosario in November of  
4 2002?

5 A Krista Snyder.

6 Q And who is she?

7 A An F.B.I. agent.

8 Q And you indicated earlier that initially  
9 you were providing information to Maureen  
10 Robinson. When did you begin providing  
11 information to F.B.I. Agent Krista Snyder?

12 A They were frequently together. Maureen  
13 was part of it, but it happened that it was Krista  
14 that I spoke to.

15 Q Is it fair to say shortly after you  
16 agreed to provide information on an ongoing basis  
17 to the F.B.I. you were working with Maureen  
18 Robinson and Krista Snyder from the F.B.I.?

19 A Correct.

20 Q So when did Krista Snyder contact you  
21 regarding placing a wire -- and by a wire, you  
22 mean recording device?

23 A Yes.

24 Q -- on Inmate Rene Rosario?

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1 A Perhaps in October of 2002.

2 Q What did she ask you to do; how did this  
3 conversation happen?

4 A She asked me if I knew Rene, and I knew  
5 him from -- I believe that this was already his  
6 second incarceration at Suffolk; but, again, one  
7 of those things, I did his intake physical, and I  
8 knew the name as a person that had -- that had  
9 been at the institution. And she asked me if I  
10 knew any more about him, and I really didn't at  
11 that point in time. And she told me that Rene was  
12 -- had been a witness in a Federal investigation  
13 at the jail, at the Suffolk County jail, and that  
14 he claimed that he had had some issues around that  
15 since that time.

16 The question that I'm answering  
17 again so I can -- I'm lost.

18 Q Have you finished your answer on that?

19 MR. SAVAGE: She's lost.

20 A I'm not sure what the question --

21 Q Let me ask you another question.

22 A Okay.

23 Q We'll get back.

24 Krista Snyder asked you to place a

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1 recording device on Inmate Rene Rosario.

2 A Yes.

3 Q And I was asking you what exactly did  
4 she communicate to you and what did she ask you to  
5 do.

6 A She asked me to place the wire on Rene  
7 and -- to place it and retrieve it -- to record  
8 some issues of threats or abuse that he alleged  
9 were happening at the House of Correction.

10 Q Is that the purpose that F.B.I. Agent  
11 Snyder articulated to you for the reason why the  
12 wire was to be placed on Inmate Rosario?

13 A Yes.

14 Q Where did this conversation take place  
15 between you and Krista Snyder?

16 A I think that one was in a coffee shop at  
17 the same -- at the same South Bay Plaza.

18 Q Who else was present?

19 A Maureen.

20 Q Maureen Robinson?

21 A Yes.

22 Q Any other persons present?

23 A No.

24 Q Prior to that conversation, was that the

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1 first time that they had asked you to place a  
2 recording device on Inmate Rene Rosario?

3 A Yes.

4 Q Was that the first time that they had  
5 asked you to place a recording device on any  
6 individual, inmate or otherwise?

7 A Yes.

8 Q Prior to this conversation, had you done  
9 anything other than provide them information on an  
10 ongoing basis?

11 A No.

12 Q What else had you done for them -- no,  
13 you hadn't or you had?

14 A No, I hadn't.

15 Q Okay. So this is the first time that  
16 they asked you to do something other than provide  
17 information?

18 A Yes.

19 Q Did you agree to do it?

20 A Yes.

21 Q When did they tell you it was going to  
22 happen?

23 A They were trying to arrange a time. I  
24 believe I was going to a conference, and I was

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1 going to be out of the facility at part of the  
2 time, so it had to be a time when I was there at  
3 the beginning and the end and I would be there  
4 while he had the wire on in case there was an  
5 issue.

6 Q Why were they asking you to do it?

7 A Because I would have had a way to place  
8 it without -- without being seen.

9 Q What do you mean?

10 A I'm a nurse practitioner, and I could --  
11 I could place a wire in the process of an  
12 examination.

13 Q Did they indicate to you that that's  
14 what they wanted you to do, to place the recording  
15 device on him in the process of a medical  
16 examination?

17 A They left it up to me how I did it, but  
18 that was the understanding. I didn't have a  
19 specific instruction, except the actual physical  
20 placement; this is up, this is down, this is  
21 front, this is back.

22 Q When did it -- when did this occur?

23 A A little over --

24 MR. SAVAGE: Which this, the

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1 conversation or the wiring?

2 Q When did the wiring of Rene Rosario  
3 occur?

4 A In November. It was about a month and a  
5 half I think after the initial contact about it.

6 Q Approximately a month and a half after  
7 you were asked by Krista Snyder the wiring  
8 actually took place?

9 A Yes.

10 Q Where in the facility, the Suffolk  
11 County House of Correction, did it take place?

12 A My exam room.

13 Q And where was that located?

14 A In the health service unit.

15 Q Not in the infirmary -- not in the  
16 satellite office --

17 A No.

18 Q -- on the upper floor.

19 A No.

20 Q In the infirmary?

21 A Yes.

22 Q How was Mr. Rosario brought to the  
23 infirmary, if you know?

24 A He came down for a sick call, and I

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1 don't remember -- I don't remember the issue.

2 Q Was it your understanding that he would  
3 arrange to go down for a sick call --

4 A Yes.

5 Q -- and that would be the means by which  
6 he would appear in the infirmary?

7 A Yes.

8 Q And how was that information  
9 communicated to Mr. Rosario?

10 A I don't know.

11 Q How was Mr. Rosario informed that that's  
12 what he should do in order for the recording  
13 device to be placed on him?

14 A I believe he spoke with Krista.

15 Q Were you aware in November of 2002 that  
16 Mr. Rosario had been an informant for the F.B.I.?

17 A That was -- this episode was his  
18 informing. He was a witness -- I'm not sure that  
19 that rises to informant. Informant he became when  
20 he agreed to wear the wire.

21 Q Who was present in your exam room in the  
22 infirmary on the date that you placed the  
23 recording device on Rene Rosario?

24 A Rene and myself.

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1 Q Was anyone from the Suffolk County  
2 Sheriff's Department involved in the wiring of  
3 Rene Rosario?

4 A Any actual wiring?

5 Q Yes.

6 A No.

7 Q Was anyone from the Suffolk County  
8 Sheriff's Department involved in the facilitation  
9 of the wiring of Mr. Rosario?

10 A Yes.

11 Q Who?

12 A Paul DeFazio.

13 Q And how was Paul DeFazio involved in the  
14 facilitation of the placing of the recording  
15 device on Rene Rosario?

16 A This piece is a little -- I'm not sure  
17 of this piece. I'm not sure if he had the device  
18 in the facility.

19 MR. SAVAGE: She's not asking you to  
20 guess. So if the answer is I don't know --

21 A Okay. Then I don't -- I'm not sure.

22 MR. SAVAGE: If she wants to ask you  
23 to guess, then she can put that question to you.

24 THE WITNESS: Okay.



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1 Q Who gave you the recording device?

2 A I had the device more than once and -- I  
3 had the device outside. I believe it was decided  
4 that I couldn't bring it through the security  
5 gate. So I believe it was given to me inside the  
6 facility by Paul. I am not positive about that  
7 one.

8 Q Who decided that you couldn't bring it  
9 through?

10 A It would set off alarms.

11 Q Who decided that it couldn't be brought  
12 through?

13 A That was a decision between -- between  
14 Krista and myself; I would have set off alarms  
15 with it.

16 Q During your conversations with Krista  
17 Snyder and Maureen Robinson, did they indicate  
18 that anyone within the Suffolk County Sheriff's  
19 Department was involved in the process to wire  
20 Mr. Rosario?

21 A Yes. At first I didn't know whom, and I  
22 had to sign a paper releasing the F.B.I. or  
23 telling people at Suffolk County that I was  
24 involved in this activity.

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1 Q Do you have a copy of that?

2 A No, I don't.

3 Q They ask you to sign a waiver, a  
4 release?

5 A Yes.

6 Q You said initially you didn't know who  
7 was involved, but then you became aware. When did  
8 you become aware that someone within the Suffolk  
9 County Sheriff's Department was involved in the  
10 process to wire Rene Rosario in November of 2002?

11 A When I talked with Paul.

12 Q And when was that?

13 A Before I -- sometime before I wired him,  
14 I spoke with Paul, and he gave me a -- an  
15 emergency phone number and his extension to  
16 contact him if I needed assistance.

17 Q Well, what did he say, other than giving  
18 you his emergency contact number?

19 A He spoke with Rene. We -- he spoke with  
20 Rene in the office.

21 Q When?

22 A Before I wired him.

23 Q On the same date that you wired him?

24 A He spoke with him more than once. I saw

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1 him speaking to him one time I believe the day  
2 before, and then he spoke with him -- because I  
3 kept him down in the medical housing unit so he  
4 wouldn't go back upstairs with a wire. Two  
5 occasions at least I saw him speak with Rene.

6 Q Were you present during the  
7 conversation?

8 A No.

9 Q Do you know what was discussed during  
10 the conversation?

11 A No.

12 Q So how do you know that Paul DeFazio was  
13 involved in the process to wire Rene Rosario?

14 A He was my contact; he was the person I  
15 was told to contact if I had any issues, any  
16 emergencies, any situation. It said right on the  
17 phone number, "For emergencies." If -- if there  
18 was something that went wrong, either the --  
19 someone else found the recording device, I knew  
20 that I could be in trouble with it and Rene knew  
21 he could.

22 Q Who told you that Paul --

23 A Krista and Maureen.

24 Q Did Paul DeFazio tell you he was the

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1 contact person?

2 A Yes --

3 Q When --

4 A -- he gave --

5 Q I'm sorry. When did that occur?

6 A Before I put the wire on Rene.

7 Q Before, when? The day before? The  
8 morning of?

9 A I don't know.

10 Q Where did you get the wire from?

11 A The wire came from Krista and Maureen,  
12 and as I said, that piece is a little fuzzy,  
13 because I didn't bring it through. I -- I can't  
14 remember exactly how that happened.

15 Q So you don't recall from whom you  
16 received the recording device that you were  
17 placing on Rene Rosario?

18 A I had it twice.

19 Q When was the first time that you had it?

20 A The week before when we couldn't place  
21 it.

22 Q When you say we, who is we?

23 A The F.B.I. and I.

24 Q Was Paul DeFazio involved in that --

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1 A Yes.

2 Q -- incident?

3 How was he involved?

4 A I just remember him as my contact  
5 person. I remember that he gave me his number. I  
6 couldn't tell you whether it was at the first of  
7 it, in the middle of it. I know it was before I  
8 actually placed the wire, but I can't tell you  
9 exactly when. And he spoke with Rene while Rene  
10 had the wire on.

11 Q Was Paul DeFazio ever present during a  
12 conversation between you, Maureen Robinson, and  
13 Krista Snyder that concerned the wiring of Rene  
14 Rosario?

15 A No.

16 Q Did they ever mention his name other  
17 than to identify him as an emergency contact  
18 person?

19 A No.

20 Q Did they indicate to you that they had  
21 someone within the Suffolk County Sheriff's  
22 Department who had approved the wiring of Rene  
23 Rosario?

24 A I didn't ask that.

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1 Q I'm asking did they indicate to you, not  
2 whether you -- not you asked it.

3 A I don't know.

4 Q Did they indicate that anyone other than  
5 Paul -- did they indicate any name of any other  
6 individuals in the Suffolk County Sheriff's  
7 Department, other than Paul DeFazio?

8 MR. SAVAGE: Did they indicate what?

9 Q Did they indicate anyone -- strike that.  
10 Did they identify any Suffolk County  
11 Sheriff's Department [sic], other than Paul  
12 DeFazio, to you in the context of the wiring of  
13 Rene Rosario?

14 A They told me that two more people knew.

15 Q Who were they?

16 A I don't know.

17 Q Did they provide you their names?

18 A No.

19 Q Did they tell you where they worked?

20 A I honestly thought that one of them was  
21 the sheriff. I am not sure at this time, but  
22 that's -- I thought that one of them was the  
23 sheriff.

24 Q When you say the sheriff, whom are you

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1 referring to?

2 A Rouse.

3 Q Richard Rouse?

4 A Yes.

5 Q And why did you assume it was the  
6 sheriff?

7 A Because that was brought up, but I  
8 didn't know -- I signed a paper that was not  
9 specific to -- for notification. They didn't have  
10 the names. They told me they were going to  
11 disclose to people, but I didn't have the names of  
12 the people they were going to disclose to.

13 Q So this paper that you have been  
14 describing is something that you signed that  
15 indicated --

16 A That I --

17 Q -- the identification of persons who  
18 were going to be notified by the F.B.I. about  
19 placing the wiring on Rene Rosario?

20 A It didn't have their names.

21 Q When you say didn't have their names,  
22 did they indicate to you that there would be  
23 individuals who would be notified?

24 A Yes.

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1 Q Were there places on this form that  
2 would suggest that's where their name would be  
3 placed?

4 A I don't remember.

5 Q Why is it that you assumed the sheriff,  
6 Richard Rouse, was one of those individuals?

7 A Because they asked me.

8 Q What did they ask you?

9 A If I thought Sheriff Rouse should be one  
10 of the people that should be notified.

11 Q Notified of what, of an emergency or  
12 notified of the wiring?

13 A Of my activity for the F.B.I.

14 Q The F.I.B asked you whom you thought  
15 should be notified of your involvement?

16 A They said the name; should this be one  
17 of the people.

18 Q Should this be one of the people what?

19 A That they notify that I was working with  
20 the F.B.I.

21 Q And which names, again, did they  
22 identify?

23 A None at that time.

24 Q Which names did they suggest to you or



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1 ask you about?

2 A The sheriff and people in SID, were  
3 there any specific people in SID to notify or not  
4 to notify.

5 Q And what did you say?

6 A I said I thought that the sheriff  
7 probably wasn't a good one to notify at that  
8 particular time, but that it was up to them.

9 Q Do you know whether or not they notified  
10 anybody within the department about the wiring of  
11 Rene Rosario?

12 A Yes, I do.

13 Q And whom do you know that they notified?

14 A Paul DeFazio, and at least one other  
15 person in SID.

16 Q And who was that person?

17 MR. SAVAGE: If you can't answer,  
18 you can't answer it.

19 MS. CAULO: Are you instructing her  
20 not to answer? I don't understand.

21 MR. SAVAGE: There's a general  
22 instruction that she's not to answer anything that  
23 reveals individuals against which she may have  
24 provided cooperation. If this falls in that

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1 category, she's not going to answer it.

2 MS. HARVEY: Well, she's not being  
3 asked who she provided information against. She's  
4 only being asked something that's extremely  
5 relevant here, which is --

6 MS. CAULO: Right.

7 MS. HARVEY: -- who knew in the  
8 Sheriff's Department. You shouldn't make that  
9 link for us. If it's somebody she ended up  
10 testifying against or providing information  
11 against, that's something separate.

12 MR. SAVAGE: Can I speak to her a  
13 minute or...

14 MS. CAULO: Sure.

15 MR. SAVAGE: Let's just step  
16 outside.

17 (Witness and counsel left the room.)

18 MR. SAVAGE: You want to re-ask it  
19 just so the record is clean or...

20 MS. CAULO: Could you repeat the  
21 last question, please?

22 (Question read.)

23 A Neville, but I don't know his last name.

24 Q Is that Neville Arthur?

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1 A Yes, it is.

2 Q And how do you know that Agents Snyder  
3 and Robinson contacted Mr. DeFazio and Neville  
4 Arthur?

5 A With Neville, because Krista and Maureen  
6 told me, and with Paul, because I talked with  
7 Paul.

8 Q What did Krista Snyder and Maureen  
9 Robinson tell you about their communication with  
10 Neville Arthur?

11 A That he knew that I would be placing a  
12 wire; and that he would keep my name confidential;  
13 that they knew it in case of emergencies.

14 Q And when, if you know, in reference to  
15 the actual wiring did Krista Snyder and Maureen  
16 Robinson communicate this information to Neville  
17 Arthur?

18 A Before I attempted to wire him the first  
19 time.

20 Q Do you know when in relation to -- I  
21 know it's before, but do you know --

22 A It was about a week before, I think.

23 Q Did they mention anything else about  
24 their communication with Neville Arthur regarding

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1 the wiring of Rene Rosario?

2 A I don't think I knew it was Neville at  
3 the time. I -- I know -- I knew later, but I  
4 don't -- right at the time I don't think I knew  
5 that it was Neville. I think they gave me that  
6 name later. Paul was my contact.

7 Q So you don't know whether or not they  
8 informed Neville Arthur before the wiring?

9 A I know they told me they informed two  
10 people in SID; that Paul was one, and they  
11 notified another person; and I didn't have that  
12 name until sometime later.

13 Q And when you say they notified them, is  
14 it your understanding that Mr. DeFazio was  
15 consulted regarding the propriety of wiring an  
16 inmate in the House of Correction?

17 A I have no idea.

18 Q well, was it your understanding that  
19 they were simply notified or was it -- was it your  
20 understanding that they were notified?

21 A Yes.

22 Q Was it your understanding that they were  
23 consulted, specifically were they asked whether it  
24 would be okay to wire an inmate?

1 A I don't know.

2 Q Do you know whether or not the F.B.I.  
3 agents asked Neville Arthur or consulted with him  
4 about whether he thought it was appropriate to  
5 wire an inmate in the House of Correction?

6 A I don't know.

7 Q To your knowledge, the F.B.I. agents  
8 could simply have been notifying them that it was  
9 happening; is that correct?

10 A It could be.

11 Q How long did Mr. Rosario wear the  
12 recording device?

13 A I think it was 24 hours perhaps, 24, 48  
14 hours.

15 Q Where was he housed when he was wearing  
16 the recording device for this 24 or 48 hours?

17 A In the medical housing unit.

18 Q Were you working on that 24 hour or 48  
19 hour period?

20 A For the whole time?

21 Q Not continuously, but on those two days.

22 A Yes.

23 Q Yes?

24 A Yes. I put it on; I took it off.

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1 Q Who was present when you took it off?

2 A Just Rene and myself.

3 Q Who showed you how to attach the device?

4 A Krista.

5 Q Did you yourself ever talk with Neville

6 Arthur about placing a recording device on Rene

7 Rosario?

8 A No.

9 Q Before or after?

10 A No.

11 Q Did you yourself talk with Paul DeFazio

12 regarding placing the recording device on

13 Mr. Rosario, specifically --

14 A Yes.

15 Q -- about placing the device on him?

16 A Yes.

17 Q What was that communication?

18 A The nuts and bolts of it I don't

19 remember. I was --

20 Q To the best of your memory.

21 MR. SAVAGE: Did you finish your

22 answer?

23 A I was focussed on what I was going to

24 do, and I knew that Paul was my contact person. I

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1 told him when I was going to do it, and he told me  
2 how I could contact him if there was an issue and  
3 when it was done --

4 Q On the day --

5 A -- and that's what I remember.

6 Q I'm sorry. On the day that you placed  
7 the recording device on Mr. Rosario, was

8 Mr. DeFazio in the infirmary?

9 A He at least walked through. I can't  
10 tell you whether he stayed or not. I do remember  
11 seeing him that day, yes.

12 Q After you placed the recording device on  
13 Mr. Rosario, did you see whether or not  
14 Mr. DeFazio interacted with Mr. Rosario?

15 A I believe he did.

16 Q When?

17 A I believe it was later in the day, and  
18 he was using the mental health office, which is  
19 inside the medical housing unit.

20 Q Were you present during that interaction  
21 between Mr. DeFazio and Mr. Rosario?

22 A I walked by; the door was shut.

23 Q And how do you know Mr. Rosario was  
24 inside with Mr. DeFazio?

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1 A I could see him through the window.

2 Q Okay. Well, that's my question.

3 Did you go into the office?

4 A No.

5 Q Did you ever -- did you talk with  
6 Mr. DeFazio after you saw him speaking with  
7 Mr. Rosario?

8 A I don't remember.

9 Q Did you ever ask him what was  
10 communicated between himself and Mr. Rosario?

11 A No.

12 Q Was Mr. DeFazio present when you took  
13 the wire off?

14 A No.

15 Q After you took the wire off, what did  
16 you do with it?

17 A That's that same fuzzy area. I'm not  
18 sure how I got it back out again.

19 Q Did you provide it -- did you bring it  
20 out and give it back to Krista Snyder?

21 A I could have. I really don't remember  
22 how I got it in and out. I really don't.

23 Q Did you give it to Paul DeFazio?

24 A I -- I just don't remember.



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1 Q why was it taken off?

2 A It was only supposed to be on a  
3 specified time; the battery would have run out.

4 Q who told you that?

5 A Krista.

6 Q what else did she tell you about the  
7 wire?

8 A How to put it on; how to take it off.

9 Q In 2000 how many times did you provide  
10 information to the F.B.I.?

11 A 40 or 50.

12 Q To whom in the F.B.I.?

13 A Maureen or Krista.

14 Q How?

15 A Telephone or face to face.

16 Q What information was communicated?

17 A Information about suspected sexual  
18 abuse, physical abuse, or drug use.

19 Q Each time that you communicated this  
20 information to Maureen Robinson and Krista Snyder,  
21 did you also communicate the information to the  
22 Suffolk County Sheriff's Department?

23 A Sometimes, yes; sometimes, no.

24 Q what times did you not?

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1           A     Hearsay information that I had only a --  
2     a report but no real knowledge or no belief one  
3     way or the other, just no way to determine. I  
4     heard a lot of things, and I reported what I heard  
5     and let other people figure it out. If it was  
6     something that I knew, something that the inmate  
7     told me about himself, it was reported within the  
8     House of Correction.

9           Q     Was that your criteria in terms of when  
10    you reported things to SID; if it was hearsay  
11    information, you didn't; if it was information  
12    communicated to you directly from an inmate, then  
13    you did?

14          A     Hearsay about another inmate, I probably  
15    would not. An inmate telling me himself that he  
16    had been abused, yes.

17          Q     You would report that to SID?

18          A     Yes.

19          Q     And you did?

20          A     Yes.

21          Q     Over the course of the nine years that  
22    you were working at the House of Correction, you  
23    did that how often?

24          A     A lot. Probably three or four times a

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1 month.

2 Q And these reports that you provided to  
3 SID, were they verbal or written?

4 A Both.

5 Q Did SID investigators also come to speak  
6 with you regarding cases they were investigating?

7 A Yes.

8 Q And would they talk with you in the  
9 infirmary?

10 A Sometimes.

11 Q would they ask you to come down to the  
12 SID office to speak with them?

13 A Yes.

14 Q The investigators would seek your  
15 cooperation?

16 A Yes.

17 Q And they would want your information in  
18 order to determine if an officer had engaged in  
19 misconduct, right?

20 A Correct.

21 Q And the investigators whom you worked  
22 with over the course of the nine years while you  
23 were employed by CMS at the House of Correction,  
24 how many were there, approximately?

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1 A 15, maybe. I don't know. Maybe more.

2 Q You spoke to Steve Jacobs regularly?

3 A Yes.

4 Q You spoke to Paul DeFazio?

5 A Yes.

6 Q What other names?

7 A Brenda.

8 Q Brenda Garcia?

9 A Yeah. Another Steve. Let's see. I can  
10 tell you what they look like, but I don't remember  
11 their names. I'm sorry. There are some that I  
12 know better than others.

13 Q You understood that it was their  
14 responsibility to investigate allegations of  
15 officer misconduct?

16 A Yes.

17 Q And that in so doing they would  
18 oftentimes require the assistance of and  
19 cooperation of medical personnel?

20 A Yes.

21 Q In 2001 do you recall how many times you  
22 provided information to the F.B.I.?

23 A About the same the entire time.

24 Q What do you mean about the same the

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1 entire time?

2 A Probably 40 or 50 times a year all four  
3 years. Sometimes the same information with more  
4 information concerning the same incident,  
5 sometimes different things.

6 Q Do you recall specific incidents or  
7 specific illegal activities that you provided  
8 information on?

9 A Yes.

10 Q What are those?

11 A I really can't answer that.

12 Q But the categories, not --

13 A The categories?

14 Q The types of incidents.

15 A Sure. The same categories, physical  
16 abuse of an inmate, sexual abuse of an inmate, and  
17 possible drug dealing or drug use/abuse.

18 Q Was the drug use/abuse, did that involve  
19 officers as well?

20 A It could.

21 Q Did it?

22 A Yes.

23 Q The physical abuse allegations, that  
24 involved allegations of misconduct of officers on

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1 inmates?

2 A Yes.

3 Q Prior -- each and every time that you --  
4 strike that.

5 Before providing information to the  
6 F.B.I. on these occasions that you've identified,  
7 did you inform correctional -- Correctional  
8 Healthcare Services and then Correctional Medical  
9 Care Services that you were providing the  
10 information?

11 A No.

12 Q Did you inform the Suffolk County  
13 Sheriff's Department prior to each time when you  
14 called the F.B.I. or met them face-to-face to  
15 provide information?

16 A No.

17 Q Other than the conversation that you  
18 testified to earlier with Steve Jacobs, did you  
19 speak with Steve Jacobs ever again about your  
20 providing information to the F.B.I.?

21 A I'm not sure.

22 Q Other than Mr. DeFazio indicating that  
23 he was an emergency contact when Rene Rosario was  
24 wired, did you speak with Mr. DeFazio about your

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1 providing information to the F.B.I.?

2 A Yes.

3 Q When?

4 A In the spring of 2003.

5 Q And what did you communicate to  
6 Mr. DeFazio in the spring of 2003 regarding your  
7 providing information to the F.B.I.?

8 A We talked informally. He was -- my  
9 recollection is that he was displeased with the  
10 F.B.I., and he asked me if I was still involved.

11 Q Where did the conversation take place?

12 A Outside in the courtyard, the courtyard  
13 in the middle of the facility.

14 Q As detailed as you can, what did he say,  
15 what did you say?

16 A He -- my recollection is that he warned  
17 me to be careful working with the F.B.I. because  
18 it could backfire, and he believed that he had  
19 been a victim of that backfiring is the best way I  
20 can think of to put it.

21 Q I'm not asking you the best way you can  
22 think of to put it. I'm asking you specifically  
23 what you said to Mr. DeFazio and what he said to  
24 you.

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1           A     I couldn't tell you, except that I  
2     remember an angry man who said he was disappointed  
3     and felt that the F.B.I. did not hold up its end  
4     of the bargain with him, and I couldn't tell you  
5     what that means, but he was angry and he told me  
6     to be careful because he didn't trust them.

7           Q     You said this conversation occurred in  
8     the yard at the House of Correction in the spring  
9     of 2003. When in the spring of 2003?

10          A     I don't know. He had -- he was not  
11     working in the same capacity. He was working -- I  
12     don't know if he left and came back or -- he was  
13     working in a different capacity. So whenever that  
14     was. He had just come back in a different  
15     capacity. I couldn't tell you the exact -- it's  
16     nine years. I can't tell you an exact date.  
17     There are some certain things that I do remember  
18     the dates. That's not one of them.

19          Q     Well, this is the spring of 2003, so --

20          A     I believe that's when it was.

21          Q     And relative to the allegations made by  
22     Rene Rosario on or about May 19th, where in  
23     relation to that date, May 19th, 2003, where in  
24     relation to that date did you have this



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1 conversation with Paul DeFazio?

2 A Before.

3 Q How close in time, March, April?

4 A I don't know. I don't know. Before it,  
5 but I don't know. It was between the incident in  
6 November and the incident in May.

7 Q And what prompted the conversation, to  
8 your recollection?

9 A I hadn't seen him, we met, and that was  
10 what prompted the conversation.

11 Q Other than the two conversations that  
12 you've identified with Paul DeFazio and the one  
13 conversation with Steve Jacobs, who else within  
14 the Suffolk County Sheriff's Department did you  
15 inform that you were providing information to the  
16 F.B.I.?

17 A I can't think of anyone else at the  
18 moment.

19 Q Did you ever provide written reports to  
20 the F.B.I.?

21 A No.

22 Q Did you ever provide them with progress  
23 notes?

24 A I don't believe so.

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1 Q Did the F.B.I. ever show you a written  
2 summary of the information that you had provided  
3 to them?

4 A No.

5 Q Did they ever ask you to review any  
6 documents containing information that you had  
7 provided to them?

8 A No.

9 Q Did you keep a journal or a notebook of  
10 your contact with the F.B.I.?

11 A No.

12 Q No?

13 A No.

14 Q Okay. You indicated Maureen Robinson  
15 and Krista Snyder. What other F.B.I. agents  
16 between the latter part of 1999 and June of 2003  
17 did you communicate with?

18 A Julia Cowley.

19 Q And what was the kind of information  
20 that you provided to Julia Cowley?

21 A Same thing, but they did different  
22 things. I think Julia is the one that  
23 investigated drugs and drug abuse, and Maureen and  
24 Krista investigated the abuse of power things.

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1 Q Abuse of power things?

2 A Yes, the sexual abuse or physical abuse,  
3 and then I also talked with Kevin Constantine and  
4 somebody named Kimber. I don't -- I just --  
5 that's -- I just know his name.

6 Q Is that a first name or a last name?

7 A First name. He might be -- I believe  
8 he's a supervisor.

9 Q When did you speak with the individual  
10 named Kimber?

11 A Around the time -- well, I'm not sure.

12 Q well --

13 A I'm not sure. I think it -- I think it  
14 had to do with Rene, but I'm not -- I'm not sure.  
15 I don't know. I remember -- you asked me who I  
16 talked to. That's what I remember.

17 Q Was that in 2003?

18 A I believe so.

19 Q Was it in 2002?

20 A I don't think so.

21 Q Was it after you were barred from the  
22 House of Correction?

23 A I don't know.

24 Q Keith Constantine --

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1 A Kevin.

2 Q Kevin, sorry. You provided information  
3 to him?

4 A Yes.

5 Q When did you provide information to  
6 Kevin Constantine?

7 A That was after my barring. I may have  
8 talked to him before that, but I don't think so.

9 Q It's fair to say that the individuals --  
10 the F.B.I. agents whom you communicated with  
11 between latter part of 1999 through May of -- or  
12 June of 2003 were Maureen Robinson, Krista Snyder,  
13 and Julia Cowley?

14 A Yes.

15 Q You communicated with Kevin Constantine  
16 after you were barred from the House of  
17 Correction?

18 A I believe so.

19 Q And Mr. Kimber, after you were barred  
20 from the House of Correction?

21 A I'm not sure.

22 Q Do you believe so?

23 A I think that might have been before  
24 that, in some administrative issue, but I'm not

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1 sure. I didn't provide information to Kimber.  
2 He, I think, was clarifying something, but I --  
3 I'm really not sure. I remember the name and  
4 that's what I remember.

5 Q What was the administrative issue that  
6 he was clarifying that you spoke to him about?

7 A If I remembered what I spoke to him  
8 about, then I would know, but I don't -- I don't  
9 remember. I just -- I know the name and I  
10 remember that it was after talking to either  
11 Maureen or Krista. They referred me up the line  
12 to Kimber for something, or maybe one of them was  
13 not in the office. I don't know. I spoke to  
14 Kimber at some point in time, and I believe he's a  
15 supervisor.

16 Q Did you ever provide any documents to  
17 the F.B.I.?

18 A No.

19 Q Did the F.B.I. ever tell you not to  
20 share the information that you were providing with  
21 them with the Suffolk County Sheriff's Department?

22 A No.

23 Q Did they ever tell you not to disclose  
24 your relationship with the F.B.I.?

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1           A     I was an informant. They didn't tell me  
2 not to, but I was an informant.

3           Q     So you considered yourself an informant?

4           A     Yes.

5           Q     Are you still providing information to  
6 the F.B.I.?

7           A     At this moment in time I feel the way I  
8 did from the very first day I started working as a  
9 nurse. If there is something that I see that is  
10 not legal or ethical, I would report it in any way  
11 that I felt I needed to; and that would happen  
12 today if there was an incident that required that.

13          Q     And that would include reporting that to  
14 the institution where you happen to be working --  
15 would that include reporting to the institution  
16 where you happen to be working?

17          A     Reporting what?

18          Q     Whatever you perceived to be unethical  
19 or illegal.

20          A     Yes.

21          Q     Now, you've characterized yourself as an  
22 informant. What does that term mean to you?

23          A     It's a person who provides information  
24 that may assist a law enforcement agency in

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1 getting to the bottom of issues that may include  
2 abuse of, in my case, the abuse of prisoners, the  
3 abuse of power. If it happened in my other life,  
4 I would do the same thing.

5 Q Did you provide any of this information  
6 to the Boston Police Department?

7 A Just concerning my own issue, but other  
8 than that, no.

9 Q Did you provide the information to the  
10 attorney general's office?

11 A No.

12 Q Are you still working with Maureen  
13 Robinson and Krista Snyder?

14 A No.

15 Q When did that end?

16 A As I said, that particular informant  
17 status ended the day I was asked to leave Suffolk  
18 County, but if I needed to contact them again, I  
19 would do so.

20 Q Have they asked you to do so in your  
21 current employment on a per diem basis in Essex  
22 County or in your per diem employment at the DOC  
23 facilities in Shirley, Norfolk, or MCI Cedar  
24 Junction?

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1 A Maureen is a recruiter, and Krista works  
2 with terrorism. So the answer would be no.

3 Q Have any other F.B.I. agents asked you  
4 to provide information where you currently are  
5 employed on a per diem basis?

6 A Specifically, no.

7 Q You indicated that the first time you  
8 ~~became aware of Inmate Rene Rosario~~ was in the  
9 course of an incarceration at the House of  
10 Correction?

11 A Yes.

12 Q That was prior to November of 2002?

13 A Yes.

14 Q And the second time that you encountered  
15 him was sometime prior to November of 2002?

16 A Yes.

17 Q Was that also in the course of his  
18 incarceration at the House?

19 A Yes.

20 Q In between those two incarcerations, did  
21 you have any contact with him?

22 A No.

23 Q Did you ever have any conversations with  
24 the F.B.I. regarding placing a recording device on



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1 Q Okay. Well, have you used that term  
2 before?

3 A I have no idea.

4 Q Mrs. Porter, when did you -- when did  
5 you call the F.B.I. regarding the information that  
6 Rene Rosario had provided to you?

7 A Probably on the 19th.

8 Q When you say probably, could it have  
9 been the 20th?

10 A I think I made the phone call on the  
11 19th, but I didn't talk to anyone.

12 Q When did you talk to someone regarding  
13 the allegations that Mr. Rosario had made to you?

14 A I think the 20th.

15 Q And whom did you speak with?

16 A Krista.

17 Q Krista Snyder?

18 A Um-hm.

19 Q How did you contact them?

20 A Phone.

21 Q What did you tell them?

22 A What Rene told me.

23 Q Had you already completed the document  
24 that's been identified as Exhibit No. 5?

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1 A Yes.

2 Q Did you read to them from that document?

3 A No.

4 Q Did you tell them that you had prepared  
5 a document about it?

6 A I don't know if the subject came up.  
7 Oh, I think I told them -- oh, I'm sorry, I did.  
8 I told them that I had reported it to Mary Ellen.

9 Q But you hadn't reported it to Mary  
10 Ellen, had you?

11 A Orally -- well, through my supervisor.

12 Q You had reported information to Donna  
13 Jurdak?

14 A Yes.

15 Q Which she told you she was going to  
16 communicate to Mary Ellen?

17 A Correct.

18 Q And you hadn't provided that written  
19 document yet, correct?

20 A Correct.

21 Q Did you inform them -- did you inform  
22 Krista Snyder that you had prepared a written  
23 document?

24 A I don't know.

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1 Q Did they ask to see it?

2 A No.

3 Q Did they ask whether or not you had  
4 documented your observations in Mr. Rosario's  
5 medical chart?

6 A No.

7 Q Did you ever provide this to the F.B.I.,  
8 this meaning Exhibit No. 5?

9 A No.

10 Q What did Agent Snyder instruct you to  
11 do?

12 A Part of the conversation on the 20th  
13 was, I said I was concerned because he was back  
14 again and there appeared to be some issues. And  
15 she said, "Okay, I'll take care of it." And I  
16 believe that was a misunderstanding between us.

17 Q She said, "I'll take care of it"?

18 A Yes.

19 Q What did you interpret that to mean?

20 A Well, I -- I interpreted it that she was  
21 going to try to get Rene moved.

22 Q I see. Did she tell you to tell SID?

23 A I don't remember, but they never told me  
24 not -- not to and I -- I honestly don't remember

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1 that piece of it. But I remember her saying  
2 something to the effect that I'll take care of it.

3 Q Did you report this information to the  
4 United States Attorney's Office?

5 A At the time?

6 Q On May 19th, yes.

7 A No.

8 Q Or May 20th?

9 A No.

10 Q Mrs. Porter, I want to have you look at  
11 what was previously marked as Exhibit No. 2, and  
12 ask you to look at interrogatory No. 8, which is  
13 on page 9, and your response, which is on page 10.  
14 It's right there.

15 (Document exhibited to witness.)

16 (Witness perusing document.)

17 A What am I looking at?

18 MR. SAVAGE: She wants you to read  
19 pages 9, 10 and 11.

20 Q I'd like you to look at the question on  
21 page 9 --

22 A Okay.

23 Q -- all right, and then your response,  
24 which is set forth right here. (Indicating.)

Volume: II

Pages: 249-462

Exhibits: 6-10

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

NO. 04-11935-DPW

----- x

Sheila J. Porter,

Plaintiff,

v.

Andrea Cabral, Suffolk County

Sheriff's Department Suffolk County,

and Correctional Medical Services, Inc.,

Defendants.

----- x

CONTINUED DEPOSITION OF SHEILA J. PORTER

Thursday, May 26, 2005

9:05 a.m.

ADLER, COHEN, HARVEY, WAKEMAN & GUEKGUEZIAN

230 Congress Street

Boston, Massachusetts 02110

Reporter: Lori-Ann London, RPR

1 A I believe so.

2 Q Yes?

3 A Yes. Yes, I believe so.

4 MR. SCHUMACHER: Can I ask what  
5 exhibit that was?

6 MS. CAULO: 6.

7 Q Mrs. Porter, did you contact the F.B.I.  
8 after this interview on May 22nd?

9 (Witness and counsel conferring off  
10 the record.)

11 MR. SAVAGE: That's yes or no.

12 Q Do you understand my question,  
13 Mrs. Porter?

14 A Yes, and I don't know the answer to  
15 that.

16 Q Did you --

17 A On the 22nd?

18 Q Yes.

19 A I don't know.

20 Q Did you contact them on the -- did you  
21 contact them --

22 MR. SAVAGE: well, before you ask  
23 another question, can I talk to her for a second?

24 MS. CAULO: Sure.

1 MR. SAVAGE: Short break?

2 (Counsel and witness left the room.)

3 Q Did you --

4 MS. CAULO: Why don't we read back  
5 the last question, please.

6 (Question read.)

7 Q Did you contact them on the 23rd  
8 relative to your interview on the 22nd?

9 A I don't know.

10 Q Did you have any conversation with the  
11 F.B.I. between -- relative between -- strike that.  
12 We'll get back to that.

13 Did you see Mr. Rosario in the  
14 infirmary again after your encounter with him on  
15 May 19th and then the encounter that was reflected  
16 on the May 22nd report? You indicated in the  
17 report that you saw Mr. Rosario for a blood draw  
18 on the 22nd?

19 A He was having a blood draw.

20 Q Right.

21 A I didn't do it.

22 Q Sure.

23 A Yes, I saw him.

24 Q After that -- that was on the 22nd; is

1 A Yes.

2 Q Did you report to Donna Jurdak that you  
3 felt intimidated during this interview?

4 A I don't recall.

5 Q Did you talk with her about the  
6 interview?

7 A Yes.

8 Q What did you tell her?

9 A I told her that I thought I was set up,  
10 and that they were looking for information.

11 Q What do you mean when you told Donna  
12 Jurdak that you felt that you were set up?

13 A I felt that the questions -- I felt that  
14 the questions were a setup in that I was being led  
15 to a certain conclusion, that I did contact the  
16 F.B.I., and I wasn't sure why that was of  
17 interest.

18 Q You had contacted the F.B.I., though,  
19 correct?

20 A What time frame are we talking about?

21 Q You just indicated that you felt that  
22 you were set up; that you were being led to a  
23 conclusion that you had called the F.B.I. You had  
24 called the F.B.I., had you not?



1 A Yes.

2 Q On or about May 20th?

3 A I believe the 19th.

4 Q When did you actually speak with Krista  
5 Snyder?

6 A Time frame?

7 Q May 19th to the 20th.

8 A The 20th.

9 Q Did you tell Donna Jurdak that you felt  
10 threatened in the interview?

11 A I don't believe so.

12 Q Did you tell her that you felt coerced?

13 A I don't believe so.

14 Q Did you tell her that you wanted to  
15 complain about the way in which you were treated  
16 by Brian Dacey and Sonya Aleman during this  
17 interview?

18 A No.

19 Q Did you feel that you had a basis to  
20 complain about the manner in which you had been  
21 treated?

22 A Yes.

23 Q And did you in fact make such a  
24 complaint?

1 A Yes.

2 Q To whom?

3 A The F.B.I.

4 Q Did you report to the superintendent of  
5 the House of Correction that you felt that you had  
6 been intimidated or threatened or that you were  
7 complaining about the treatment at the hands of  
8 Brian Dacey and Sonya Aleman?

9 A I did not.

10 Q Did you report to the head of SID that  
11 you felt you had been treated poorly at the hands  
12 of Brian Dacey or Sonya Aleman?

13 A I did not.

14 Q Did you speak with anyone within  
15 Correctional Medical Services to complain about  
16 the way in which you were treated?

17 A I did not.

18 Q When did you call the F.B.I. after the  
19 meeting that you had with Brian Dacey and Sonya  
20 Aleman on May 28, 2003?

21 MR. SAVAGE: Objection.

22 A When what?

23 Q Did you call the F.B.I. after your  
24 meeting with Brian Dacey and Sonya Aleman on

1 May 28th?

2 A Yes.

3 Q When did you do that?

4 A At the end of my shift.

5 Q And when would that have been?

6 A 3:30, 4:00.

7 Q And whom did you speak with?

8 A Krista Snyder.

9 Q Was that in person or on the phone?

10 A Phone.

11 Q What did you tell her?

12 A I told her about the conversation.

13 Q What did you tell her about the  
14 conversation?

15 A I told her I thought I had been set up  
16 to give out information, and I wasn't sure why  
17 they were asking for that information, and that  
18 they used her name, and that I was nervous about  
19 what the consequences were going to be.

20 Q Did you tell her who you felt set up by?

21 A I believe I used the generic SID.

22 Q What other information did you  
23 communicate to Krista Snyder during that telephone  
24 conversation about your meeting on the 28th?

1           A     I -- I recall that piece of it. I don't  
2 recall if there was anything else.

3           Q     Did you speak about Mr. Rosario?

4           A     That he was still there.

5           Q     What did you say about him -- what did  
6 you communicate to Ms. Snyder about Mr. Rosario?

7           A     Again, I was concerned that they were  
8 asking me about the F.B.I. in connection with me,  
9 and that Rene was still there. I wasn't sure  
10 whether that was all connected or whether it was a  
11 separate issue.

12          Q     Did F.B.I. Agent Snyder inquire about  
13 the well-being of Mr. Rosario?

14          A     I believe she may have spoken with him.

15          Q     When?

16          A     I have -- I don't have that information.

17          Q     Well, what led you to believe that she  
18 may have spoken with him?

19          A     I think somewhere in the conversation  
20 was that he was still in -- still at the House of  
21 Correction and not in the health service unit.

22          Q     What led you to believe that she had  
23 communicated with Mr. Rosario?

24          A     An assumption on my part.

1 Q Did she inquire about his health and  
2 well-being?

3 A She told me that he was there.

4 Q So, no, she didn't inquire about his  
5 health and well-being to you?

6 A She gave me information. I didn't give  
7 her information.

8 Q What did you complain about to F.B.I.  
9 Agent Snyder about your treatment by Mr. Dacey and  
10 Ms. Aleman?

11 MR. SAVAGE: Objection.

12 A I told her about the interview.

13 Q Did you ask her to do anything?

14 A No.

15 Q Did you ask her to take any action with  
16 respect to you?

17 A I asked her what I should do next.

18 Q What did she say?

19 A She said there was no particular thing  
20 that I had to do, and that I was probably right,  
21 they were looking for information.

22 Q Did she indicate that she had spoken to  
23 anybody from the Department prior to May 28th  
24 about Mr. Rosario?

1 A Yes.

2 Q Who did she say she spoke with?

3 A I don't recall the name, but she spoke  
4 to someone in SID.

5 Q How many times did she tell you that she  
6 spoke to someone in SID prior to May 28th?

7 A I don't think she said how many times.  
8 She told me that she spoke to someone.

9 Q And what did she tell you that she spoke  
10 to -- what did she tell you that she spoke to that  
11 person in SID about?

12 A Rene.

13 Q Did she tell you that she was aware that  
14 SID was conducting an investigation?

15 A Yes.

16 Q What did she tell you about that?

17 A I don't -- I don't recall the specifics.

18 Q Was that the first time that you were  
19 aware that the F.B.I. knew that the Department was  
20 conducting an investigation into Mr. Rosario's  
21 allegations?

22 A No.

23 Q When were you aware -- did you tell the  
24 F.B.I. that the SID was conducting an

1 investigation into the allegations?

2 A Yes.

3 Q When was that?

4 A Probably on the 20th.

5 Q In between the 20th and the 28th, did

6 you have any communication with the F.B.I.

7 concerning Mr. Rosario?

8 A Yes.

9 Q When was that?

10 A I couldn't give you the days or dates or

11 -- more than once.

12 Q You had more than one communication with

13 the F.B.I. between May 20th and May 28th?

14 A I did.

15 Q How many?

16 A Perhaps two or three. I'm not sure.

17 Q With whom?

18 A Krista.

19 Q And what was the subject of those two or

20 three communications between you and Ms. Snyder?

21 A Rene.

22 Q What about Rene?

23 A I'm not really sure. I can't separate

24 them out.

1 Q Well, without separating them out, what  
2 information did you discuss with Krista Snyder on  
3 the two or three occasions that you spoke with her  
4 between May 22nd and May 28th concerning Rene  
5 Rosario?

6 A His allegations, and the injuries that I  
7 saw, probably the interview --

8 Q Which interview?

9 A On the 22nd.

10 -- and definitely the interview on  
11 the 28th.

12 Q Did you discuss with F.B.I. Agent Snyder  
13 that there were differences between your  
14 observations of the injuries of Mr. Rosario and  
15 those seen by Beth Bringola and Gayle Bartley?

16 MR. SAVAGE: Objection.

17 A I don't recall.

18 Q Well, you indicated that you discussed  
19 with her your observations?

20 A Yes.

21 Q Did you discuss with Krista Snyder  
22 observations of Mr. Rosario by any other medical  
23 personnel?

24 A I don't recall.



1 Q Is there anything that would refresh  
2 your memory?

3 A I -- I -- I don't recall. I have -- I  
4 had more than one conversation, and I had  
5 conversations from the 20th on, and there was more  
6 than one. I don't recall what was said on which  
7 occasion. I don't recall saying anything about  
8 anyone else's report except that Beth had done an  
9 examination.

10 Q Did she ask you about the results of  
11 Beth Bringola's examination?

12 A I don't believe so.

13 Q Did she ask you about the results of  
14 anybody else's observations or examination of Rene  
15 Rosario?

16 A I don't believe so.

17 MS. CAULO: Mark this, please.

18 (Document marked as Exhibit No. 8.)

19 Q Mrs. Porter, the court reporter is  
20 putting before you a document marked Exhibit  
21 No. 8. I'm going to ask you to look at it and  
22 tell me if you recognize it.

23 (Witness perusing document.)

24 Q Do you recognize the document that's

1 facility; therefore, CMS, in addition, fired me;  
2 and I believe in effect the Sheriff's Department  
3 fired me.

4 Q You were employed by the Correctional  
5 Medical Services, correct?

6 MR. SAVAGE: Objection. These were  
7 the first questions on the first day.

8 A Yes.

9 Q Is it your claim that Sheriff Cabral  
10 interfered with your employment relationship with  
11 CMS?

12 A I don't have the complaint in front of  
13 me, but yes.

14 Q And how did they do that specifically --  
15 how did she do that specifically?

16 A Repeat your question, please.

17 Q How is it specifically that Sheriff  
18 Cabral interfered with your employment  
19 relationship with Correctional Medical Services?

20 A She barred me from the facility,  
21 preventing me from doing my work.

22 Q Did you notify the F.B.I. that you were  
23 barred from the House of Correction?

24 A I certainly did.

1 Q When did you do that, Mrs. Porter?

2 A At about 6:15 when I was leaving the  
3 facility.

4 Q Your meeting with Mary Ellen Mastrorilli  
5 occurred at what time?

6 A Before 3:00.

7 Q Were you escorted out of the building or  
8 were you allowed to finish your shift and gather  
9 your belongings?

10 MR. SAVAGE: Objection.

11 A I was allowed to gather my belongings.

12 Q So what time did you actually leave the  
13 facility, if you recall?

14 A Approximately 6:00 p.m.

15 Q Who did you call?

16 A Krista Snyder.

17 Q Did you speak with her?

18 A I did.

19 Q Was that on the phone or in person?

20 A On the phone.

21 Q What did you communicate with her during  
22 this telephone conversation?

23 A That I was barred from the facility.

24 Q Did you tell them why or tell her why,

1 rather?

2 A Yes.

3 Q What did you say to her?

4 A For speaking with an outside agency.

5 Q Did you say anything else to her?

6 A I said a lot to her, and I couldn't tell  
7 you exactly what it was right now.

8 Q How long did the conversation last?

9 A About -- probably about five minutes,  
10 five to ten minutes.

11 Q Other than communicating to her that you  
12 had been barred to the facility for speaking with  
13 an outside agency, what else can you recall about  
14 what you spoke to her about -- what you told her,  
15 rather?

16 A It was about -- about that. That's -- I  
17 just remember speaking about that. She said she  
18 would get back to me.

19 Q Did you ask her to do anything?

20 A No.

21 Q When she said she was going to get back  
22 to you, what did she say to you?

23 A She said she would get back to me.

24 Q Did she tell you what she would get back

1 to you about?

2 A I had just given her the information  
3 that I was barred for speaking with an outside  
4 agency. The outside agency I spoke with was the  
5 F.B.I., and she was going to talk to someone, I'm  
6 not sure what, and help me to proceed with  
7 whatever I was going to do next.

8 Q Did she get back to you?

9 A Yes.

10 Q When?

11 A That night, after I got home.

12 Q Was it a phone conversation or in  
13 person?

14 A Phone.

15 Q What did she say to you; what did you  
16 say to her?

17 A She asked me to repeat what had been  
18 said to me in the meeting, and she told me that --  
19 or she asked me if I could come in in the morning  
20 to a meeting.

21 Q Anything else that was said between the  
22 two of you on that phone conversation?

23 A It's a blur.

24 Q What meeting did she ask you to attend

1 in the morning?

2 A I went to a meeting at the Justice  
3 Department and --

4 Q Where was it located?

5 A At the courthouse, the federal  
6 courthouse.

7 Q The Moakley Courthouse?

8 A Yes.

9 Q Who did you go there with, who did you  
10 travel to the courthouse with?

11 A I met Krista and -- Krista Snyder and  
12 Maureen Robinson at the courthouse.

13 Q You drove there by yourself?

14 A Yes.

15 Q After you met Krista Snyder and Maureen  
16 Robinson at the courthouse, where did you go?

17 A Inside.

18 Q To where?

19 A I think the 6th floor, but I'm not sure.  
20 It's a maize, and I'm not really sure, but I think  
21 the 6th floor, a conference room similar to this.

22 Q Who did you meet with?

23 A Steve Huggard, Maureen, Krista, I think  
24 three other -- two or three other people, and the

1 names are not in my head right now. I think one  
2 was with the F.B.I., and the other two I believe  
3 were with the U.S. Attorneys Office perhaps.

4 Q Steve Huggard is an Assistant United  
5 States Attorney, to your knowledge?

6 A I -- he was at the time. I think he's  
7 doing something different, but he was.

8 Q And the two other individuals whom you  
9 thought were with the United States Attorneys  
10 office, do you recall their names?

11 A As I sit here now, no, but if you put  
12 their names in front of me, I might recognize  
13 them.

14 Q Were they male or female?

15 A Male. Maureen and Krista and myself  
16 were the three females, the others were all male.

17 Q Was there an A.S.A. named McNeil?

18 A I don't think so.

19 Q Was the United States Attorney Michael  
20 Sullivan present?

21 A No.

22 Q What was discussed during this meeting?

23 A The fact that I was barred and the  
24 incidents leading up to that.

1 Q Specifically, what was said?

2 A Again, that's kind of a blur, but they  
3 asked me to recount my story, which I did,  
4 starting from when I first started working with  
5 the F.B.I. to the day I was barred.

6 Q Prior to that date, had you ever met  
7 with Assistant United States Attorney Steve  
8 Huggard?

9 A No.

10 Q Prior to that date, had you ever met  
11 with any Assistant United States Attorney  
12 concerning your involvement with the F.B.I.?

13 A No.

14 Q What action was -- during the course of  
15 this discussion, did -- did any member of the  
16 F.B.I. or the United States Attorneys Office  
17 indicate that they wanted to take some action?

18 A They indicated that they were asking me  
19 questions to see if they should take any action.

20 Q And what were they considering?

21 A I -- I don't know.

22 Q Well, what did they communicate to you  
23 about what they were considering?

24 A They were asking me questions concerning



1 the barring, concerning my involvement, concerning  
2 whether or not there was an ongoing investigation.

3 Q Did you ask them to take any action?

4 A No.

5 Q Did you want something to happen?

6 A Yes.

7 Q What is it that you wanted to happen?

8 A At the time I wanted my job back.

9 Q At the time you hadn't been fired from  
10 CMS; is that correct?

11 A No, not correct.

12 Q You were fired when?

13 A Well --

14 Q From CMS.

15 A Now I know that I was fired on the 10th,  
16 but I didn't know that at the time.

17 MR. SAVAGE: You at a logical point  
18 for a break?

19 MS. CAULO: What time is it now?

20 MR. SAVAGE: It's about twenty of,  
21 11:37.

22 MS. CAULO: A few more minutes.

23 MR. SAVAGE: And then we're all  
24 done.

1 MS. CAULO: No.

2 Q How long did the meeting last,  
3 Mrs. Porter, with the U.S. Attorneys Office?

4 A I think about an hour.

5 Q This is on June 11th?

6 A Yes. Perhaps longer, but at least an  
7 hour.

8 Q At the close of the meeting was there a  
9 course of action that was suggested?

10 A I believe they suggested that I have an  
11 attorney.

12 Q Did they suggest who you should have as  
13 an attorney?

14 A No.

15 Q Why did they suggest you needed an  
16 attorney?

17 A I felt that I was illegally barred, and  
18 the agents that I had been working with felt that  
19 I was illegally barred, and I thought that in that  
20 case I best have an attorney to represent me.

21 Q What advice did they provide you?

22 A To find an employment attorney.

23 Q Did they indicate that they were going  
24 to take some action separately from their advice

1 to you to get an attorney?

2 A They said that they were going to be  
3 investigating.

4 Q Did you have arrangements to have  
5 another meeting with them?

6 A No.

7 Q Did you understand that they would get  
8 back in touch with you?

9 A No.

10 Q Did you return to the House of  
11 Correction on June 11, 2003?

12 A Before I went to the meeting.

13 Q Before you went to the meeting? On  
14 June 11, 2003, did you go to the House of  
15 Correction?

16 A I went to the vicinity of. I drove to  
17 Bradston Street, parked my car across the street  
18 from the House of Correction, and waited for  
19 Ms. Jurdak and Sandra Sousa to bring out the  
20 things that I had left, and in turn gave them  
21 things that I had inadvertently taken home.

22 Q Was this after the meeting with the  
23 United States Attorneys Office?

24 A Before the meeting.

1 Ellen Mastrorilli to someone about Rene and that  
2 she had talked to Donna on the 19th, and there was  
3 a comment about Rene in that piece of paper.

4 Q Anything else that you can recall?

5 A No.

6 Q Is that September of 2003?

7 A I -- I'm not sure of the timing, but I  
8 believe that's the approximate time. I don't know  
9 the date.

10 Q Were you aware that Maureen Robinson  
11 went to the House of Correction on June 11, 2003?

12 MR. SAVAGE: Objection.

13 A Yes.

14 Q Did you accompany her?

15 A No.

16 Q Whose idea was it for Maureen Robinson  
17 to go to the House of Correction on June 11, 2003?

18 MR. SAVAGE: Objection.

19 A I'm not sure.

20 Q Were you present when a decision was  
21 made that Maureen Robinson was going to go to the  
22 House of Correction on June 11, 2003?

23 MR. SAVAGE: Objection.

24 A There was a discussion about getting a

1 copy of my personnel file.

2 Q Who had that discussion?

3 A I don't remember whose idea and who  
4 talked about it or whether -- and I don't recall  
5 who was going, whether it was Krista or Maureen or  
6 whether it was the other -- I believe there was  
7 another person from the F.B.I., but I don't  
8 remember who it was.

9 Q Were you involved in that discussion  
10 about retrieving your personnel file?

11 A No, because I couldn't go there.

12 Q So how were you informed that Maureen  
13 Robinson was going to go to the House of  
14 Correction to retrieve your personnel file?

15 MR. SAVAGE: Objection.

16 A I was in the room and she left to go.

17 Q That's what I'm saying. Were you  
18 involved in the discussion concerning retrieving  
19 your personnel file?

20 MR. SAVAGE: Asked and answered.

21 A I was there. I was not involved.

22 Q You were aware that your personnel file  
23 was not kept at the House of Correction, correct?

24 MR. SAVAGE: Objection.

1 A Excuse me?

2 Q Were you aware where your personnel file  
3 was kept?

4 A Yes.

5 Q Where was that?

6 A At the House of Correction.

7 MR. SAVAGE: Objection. We covered  
8 this the last time.

9 MS. CAULO: I don't think we did.

10 Q It's your testimony that you did not  
11 accompany Maureen Robinson to the House of  
12 Correction on June 11, 2003?

13 A Definitely not.

14 Q Did you speak with her about -- did she  
15 ever communicate with you about what occurred when  
16 she went there?

17 A Yes.

18 Q And what was that conversation?

19 A That when she got there, she was kept  
20 waiting for a while, and that she asked to see  
21 Donna Jurdak, and Donna was in a meeting, and then  
22 Donna came out and spoke to her.

23 Q Did she tell you what information was  
24 communicated between she and Donna Jurdak at that

1 Q Did you speak with the F.B.I. concerning  
2 your interview with the Boston Globe?

3 A I think I did.

4 Q You spoke with the F.B.I. prior to  
5 conducting the interview?

6 A I think so.

7 Q Did you speak with them about what you  
8 were going to talk about in the interview?

9 A I believe it was -- from the F.B.I.  
10 point of view and for safety sake, I think I just  
11 asked what I could say and what I couldn't say.

12 Q And who was that with, that  
13 conversation, if you recall?

14 A It would have been either Krista or  
15 Maureen, probably Krista.

16 Q Prior to conducting the interview, did  
17 you speak with anybody from the United States  
18 Attorneys Office?

19 A No.

20 Q Where was the interview conducted,  
21 Mrs. Porter?

22 A I was at home on my telephone.

23 Q It was a phone interview?

24 A Yes.

375

1 was there any other advice given to you by Agent  
2 Snyder?

3 A No.

4 Q Did you speak with the U.S. Attorneys  
5 office before doing the Channel 5 interview?

6 A No.

7 Q Did you speak with the U.S. Attorneys  
8 office after you conducted the interview with  
9 Channel 5?

10 MR. SAVAGE: Objection.

11 A You mean in that proximity?

12 Q Yes.

13 A No.

14 Q Did you speak with them at all  
15 concerning the interview you had with Channel 5?

16 A I don't remember if it came up in  
17 subsequent meetings or not.

18 Q How many times in total have you spoken  
19 with the United States Attorneys Office?

20 A Three, and the grand jury.

21 Q One appearance before the grand jury?

22 A Correct.

23 Q And three separate meetings with  
24 representatives from the United States Attorneys



1 office?

2 A I believe so.

3 Q How many were with United States

4 Attorney Michael Sullivan?

5 A One.

6 Q Who was present at that meeting?

7 A My attorney, about five or six people,  
8 gone -- gone from my memory. Again, if I have a  
9 list in front of me, I can say yes or no, but --

10 Q Were the F.B.I. agents present?

11 A No.

12 MR. SAVAGE: Objection. When you  
13 say "the F.B.I. agents," what do you mean?

14 Q Were Agents Snyder or Robinson present?

15 A The first one.

16 Q At the meeting with the United States

17 Attorney Michael Sullivan?

18 A No.

19 Q Was Ken Kaiser present during the  
20 meeting with United States Attorney Michael  
21 Sullivan?

22 A I think so.

23 Q Was Assistant United States Attorney  
24 Stephen Huggard present with your meeting with

1 United States Attorney Michael Sullivan?

2 A No.

3 Q Was Assistant United States Attorney  
4 McNeil present with your meeting with  
5 Mr. Sullivan?

6 A No.

7 Q Other than Ken Kaiser, United States  
8 Attorney Michael Sullivan, your attorney, who else  
9 was present?

10 A Someone from the F.B.I.

11 Q Was that Kevin Constantine?

12 A Yes.

13 Q Who else, do you recall?

14 A I think two more people, but I don't  
15 remember.

16 Q When did it take place, if you know,  
17 before or after your appearance before the grand  
18 jury in September of 2003?

19 A After.

20 Q And between 2003 and the interview you  
21 gave in August of 2004, when did it take place?

22 MR. SAVAGE: Objection.

23 Q If you know.

24 MR. SAVAGE: I just don't

1 understand. You're saying it occurred between  
2 those two?

3 MS. CAULO: Mrs. Porter I believe  
4 just answered that the meeting with United States  
5 Attorney Michael Sullivan did not occur before  
6 September of 2003.

7 MR. SAVAGE: But then you said  
8 between 2003 and the interview --

9 MS. CAULO: August of 2004.

10 MR. SAVAGE: Ask your question.

11 Q Do you recall when it occurred after  
12 your grand jury appearance?

13 A It was way after, but I don't know a  
14 date.

15 Q Was it in 2004?

16 A I think so.

17 Q What was discussed during this meeting  
18 with United States Attorney Michael Sullivan?

19 A I believe -- I pretty much was asked the  
20 same questions that I had been asked in my first  
21 meeting with the U.S. Attorneys Office, in the  
22 grand jury, and in that meeting, maybe some  
23 clarification, but it was basically what happened,  
24 and, you know, what's your -- what's your story,

1 which is the same story that I told on the 11th of  
2 June in 2003, at the grand jury, and at the next  
3 meeting with Michael Sullivan.

4 Q Did Michael Sullivan tell you what the  
5 United States Attorneys Office was going to do?

6 A No.

7 Q When did you first become aware of a  
8 press statement that was issued by the Suffolk  
9 County Sheriff's Department on or about  
10 August 25th of 2004?

11 A Could I see the press statement?

12 Q Well, I'm asking you first of all when  
13 did you become aware that the Department had  
14 issued a press statement?

15 A If it's the one I have in my mind,  
16 during the interview on Channel 5.

17 Q And how did you become aware during the  
18 interview with Channel 5 that the Department had  
19 issued a press statement?

20 A It got put on the monitor for me to  
21 read.

22 Q Is that the first time that you had seen  
23 it?

24 A It was.

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1           A     I'm not sure it was that specific. I  
2     honestly can't tell you how it was left. I would  
3     frequently say to him, I need to keep so and so  
4     here; I'm concerned for their safety. And, you  
5     know, what do you need to do that for? And  
6     sometimes it was, You don't want to know. And I  
7     had told him specifically on a couple of occasions  
8     that I was working with the F.B.I. I didn't tell  
9     him that it was long term, that it was ongoing,  
10    but then the frequent comment was, You don't want  
11    to know, and then he understood that information  
12    to mean that for some security or safety reasons I  
13    needed him to do that for me.

14           Q     Were any of your meetings with the  
15    F.B.I. taped?

16           A     Not that I know of.

17           Q     Were any of your phone calls with the  
18    F.B.I. taped?

19           A     Not that I know of.

20           Q     Did you ever submit any reports to the  
21    F.B.I.?

22           A     I don't believe so.

23           Q     Did you ever give the F.B.I. any  
24    documents that were in any way generated or came

1 from the House of Corrections?

2 A I don't think so.

3 Q Did you enjoy working with the F.B.I.?

4 A Enjoy...

5 Q Did you enjoy it?

6 A I don't know if I ever thought about it  
7 that way.

8 Q You testified last week that you didn't  
9 keep a diary regarding your discussions with the  
10 F.B.I. Did you keep a calendar that would have on  
11 it dates of meetings with the F.B.I. or anything  
12 else relating to the events that are relevant to  
13 this lawsuit?

14 A No.

15 Q The cell in which Mr. Rosario was held,  
16 was that a special kind of cell because of his MOA  
17 status when he came down to the health services  
18 unit on May 19th?

19 A I think it was a -- I think it was a  
20 cell that had a camera in it, but I'm not really  
21 sure, to be honest with you.

22 Q There were no bars in the cell, correct?  
23 It was a room with a solid door and a window;  
24 there were no bars that you could look through?